



**CITY OF MORGAN HILL
COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, DECEMBER 5, 2001

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting is called at 6:30 P.M. for the purpose of
conducting Closed Sessions.*

Dennis Kennedy, Mayor/Chairperson

6:30 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk/Deputy Agency Secretary Corbet)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk/Deputy Agency Secretary Corbet)

6:30 P.M.

City Council Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Section 54956.9(b) & (c)

Number of Potential Cases: 2

City Council and Redevelopment Agency Action

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Santa Clara County Superior, No. CV 799179; USDC Northern California No.
C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.

Case No : C 01-20976 PVT, United States District Court, Northern District of California

Attendees : City Council, City Manager, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Jerry Galvin
Police Chief

RECOGNITION

Chief of Police Schwab

CITY COUNCIL REPORT

Council Member Chang

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
1)	20 minutes	<u>HEALTH SERVICES PLAN</u>	1
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> a Proposal from the Morgan Hill Community Health Foundation and Daughters of Charity Health System; and	
		2. <u>Determine</u> Council Policy	

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #2 through #11 and Agenda Item #12 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	
2) <u>RESOLUTION AMENDING THE RECORDS RETENTION SCHEDULE FOR CITY OF MORGAN HILL</u>	7
Recommended Action(s): <u>Adopt</u> Resolution No. 5535, Amending the City's Record Retention Schedule.	
3) <u>CONSULTANT AGREEMENT FOR PERSONNEL SERVICES</u>	17
Recommended Action(s): <u>Authorize</u> the City Manager to Execute a Consultant Services Agreement for Personnel Services at a Cost Not-To-Exceed \$45,000.	
4) <u>EXTENSION OF TIME APPLICATION, EOT-99-04: CHRISTEPH-KOSICH</u>	25
Recommended Action(s): <u>Adopt</u> Resolution No. 5541, Approving an 18-Month Extension of Time to June 30, 2003.	
5) <u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2001, QUARTERLY REPORT NO. 4</u>	37
Recommended Action(s): <u>Accept</u> the Report by Minute Action	
6) <u>ACCEPTANCE OF THE CONSTRUCTION OF DUNNE AVENUE/HIGHWAY 101 INTERCHANGE IMPROVEMENTS PROJECT, EXCLUDING THREE YEAR LANDSCAPE MAINTENANCE PERIOD</u>	53
Recommended Action(s):	
1. <u>Accept</u> as Complete the Construction of the Dunne Avenue/Highway 101 Interchange Improvements Project; Excluding the Three Year Landscape Maintenance Period; in the Final Amount of \$3,686,932; and	
2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
7) <u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9255, MORGAN MEADOWS PHASE II</u>	57
Recommended Action(s):	
1. <u>Adopt</u> Resolution No. 5542 Accepting the Subdivision Improvements for Tract 9255, Commonly Known as Morgan Meadows Phase II; and	
2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
8) <u>REIMBURSEMENT TO MORGAN MEADOWS ASSOCIATES LLC FOR UNDERGROUNDING OVERHEAD UTILITIES</u>	63
Recommended Action(s): <u>Authorize</u> Reimbursement of \$103,616 for Undergrounding of Overhead Utilities to Morgan Meadows Associates LLC from CIP Project #529001.	

9)	<u>AMEND PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF COSMO/MONTEREY ROAD SANITARY SEWER RELOCATION PROJECT</u>	65
	Recommended Action(s): <u>Approve</u> the Additional Scope of Work from Harrison Engineering in the Amount of \$33,300 and Authorize the City Manager to Amend the Existing Professional Services Agreement for Design Services for the Cosmo/Monterey Road Sanitary Sewer Relocation Project. The Total Amended Professional Services Agreement Shall Not Exceed \$53,020.	
10)	<u>ACCEPTANCE OF FY 2001-02 WORKPLAN UPDATE</u>	73
	Recommended Action(s): <u>Accept</u> FY 2001-02 Workplan Update Report.	
11)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR NOVEMBER 26, 2001</u>	133

City Council & Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
12)	<u>LEASE/PURCHASE OF PROPERTY AT 1250 BARRETT AVENUE</u>	135
	Recommended Action(s):	
	1. <u>Authorize</u> the Executive Director/City Manager to Execute a 10-year Ground Lease and Option to Purchase Agreement and Any Other Related Documents with Virginia Lomanto, the Owner of 8.7 Acres at 1250 Barrett Avenue (APN 817-13-017, Lot 28); and	
	2. <u>Authorize</u> the Executive Director/City Manager to Do Everything Necessary and Appropriate to Implement the Ground Lease Agreement Including Making Annual Payments And, When Appropriate, Exercising the Lease Extension or Option to Purchase the Property for \$1,610,000 plus Closing Escrow Costs.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
13)	5 minutes	
	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-99-04: EAST DUNNE-MORGAN MEADOWS</u>	159
	Recommended Action(s): Request staff presentation.	
	Public Hearing opened.	
	Please limit your remarks to 3 minutes. Public Hearing closed.	
	Council discussion.	
	Action-	<u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment Ordinance No. 1534, N.S.;
		<u>Motion to Introduce</u> Ordinance No. 1534, N.S. by Title Only.
14)	5 minutes	
	<u>RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY FIRE MARSHAL TO ABATE WEEDS</u>	187
	Recommended Action(s): Request staff presentation.	
	Public Hearing opened.	

Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.

Action- Motion to Adopt Resolution No. 5540, Authorizing the Santa Clara County Fire Marshal to Abate Weeds.

15) 5 minutes **URBAN SERVICE AREA APPLICATION: USA 01-06, GENERAL PLAN AMENDMENT APPLICATION: GPA 01-06, ANNEXATION APPLICATION ANX: 01-05 & ZONING AMENDMENT ZA 01-17: CONDIT-CITY OF MORGAN HILL 219**

Recommended Action(s): Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action – Motion to Adopt Resolution No. 5543 Approving Application GPA: 01-06.

Action – Motion to Adopt Resolution No. 5544 Approving Application USA: 01-06.

Action- Motion to Waive the Reading in Full of the Zoning Amendment Ordinance No. 1541, N.S.;

Motion to Introduce Ordinance No. 1541, N.S. by Title Only.

Action – Motion to Adopt Resolution No. 5545 Approving Application ANX: 01-05.

16) 5 minutes **EXCEPTION OF LOSS OF BUILDING ALLOCATION, DAA-00-12: E. DUNNE-GREWEL 241**

Recommended Action(s): Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action- Motion to Waive the Reading in Full of the Development Agreement Amendment Ordinance No. 1542, N.S.;

Motion to Introduce Ordinance No. 1542, N.S. by Title Only.

OTHER BUSINESS (continued):

	Time Estimate		Page
17)	10 minutes	<u>NEW CITY LOGO</u> <u>Recommended Action(s):</u> 1. <u>Provide</u> Direction to Staff on the Logo Design; or 2. <u>Approve</u> the Recommended Logo.	247
18)	4 minutes	<u>APPROVAL OF CONTRACT FOR CONSULTANT SERVICES FOR CREATION OF GATEWAY GUIDELINES UPDATE OF THE DESIGN REVIEW ORDINANCE AND ARCHITECTURAL HANDBOOK</u> <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Consultant Services Agreement with the Final Form as Approved by the City Attorney, for Contract Consultant Services with RRM Design Group at a Cost Not to Exceed \$50,000.	251
19)	10 minutes	<u>CITY OF GILROY DRAFT GENERAL PLAN</u> <u>Recommended Action(s):</u> <u>Review</u> and <u>Comment</u> on the Draft General Plan for the City of Gilroy.	263

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

20)	1 minute	<u>ADOPT ORDINANCE NO. 1535 NEW SERIES</u>	265
		An Ordinance of the City Council of the City of Morgan Hill Approving of a Development Agreement, DA-01-07 for Application MP 00-12: Mission View-Dividend (APNS 728-32-001, 002, 003 & 728-33-001), as Amended.	
21)	1 minute	<u>ADOPT ORDINANCE NO. 1536 NEW SERIES</u>	269
		An Ordinance of the City Council of the City of Morgan Hill Approving of a Development Agreement, DA-01-06 for Application MP 00-22: Cochrane - Dividend (APNS 728-34-003; 728-32-001, 002, 003; and 728-35-008, 009, 010)	
22)	2 minutes	<u>ADOPT ORDINANCE NO. 1537 NEW SERIES AND ORDINANCE NO. 1538, NEW SERIES</u>	273

ORDINANCE NO. 1537, NEW SERIES – An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to Establish a Precise Development Plan for a 41-unit Single-family Project on an 18-acre Site Located along the North and South Sides of East Central Avenue - West of Butterfield and East of Serene Drive. (APN 726-28-001, 726-28-002, and 726-20-003); and

ORDINANCE NO. 1538, NEW SERIES – An Ordinance of the City Council of the City of Morgan Hill Approval Development Agreement Application DA 01-03 for Application MP 00-12: Central - Warmington (APNS 726-28-001, 002 & 728-20-003)

City Council & Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
23)	5 minutes	<u>WORKSHOP ON REDEVELOPMENT AGENCY (RDA) PRIORITIES</u>	281
		<u>Recommended Action(s):</u> <u>Identify</u> Date in January to Conduct a Workshop on RDA Priorities.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT